

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**In re: Motion to Compel Compliance with
Subpoena Directed to Information Technology
Management Services Inc.**

Misc. Action No. _____

Underlying Case

Plus One, LLC,

Plaintiff,

v.

Capital Relocation Services LLC,

Defendant.

**Case No. 23-cv-2016 (KMM/JFD)
(U.S.D.C. D. Minn.)**

**[PROPOSED] ORDER GRANTING
PLAINTIFF’S MOTION TO COMPEL COMPLIANCE WITH SUBPOENA
DIRECTED TO NONPARTY INFORMATION TECHNOLOGY
MANAGEMENT SERVICES INC., AND FOR CONTEMPT SANCTIONS**

The matter having come before this Court, and upon consideration of the arguments and evidence of record, the Court hereby:

GRANTS Plaintiff’s Motion To Compel Compliance With Subpoena Directed To Nonparty Information Technology Management Services Inc., And For Contempt Sanctions;

FINDS that the subpoena is valid and was duly served on ITMS, which has failed to comply without any justification for its failure, particularly considering it requested and was granted an extension of time to fulfill its promise of full compliance;

HOLDS Information Technology Management Services Inc. (“ITMS”) in CONTEMPT of Court;

And ORDERS as follows:

1. ITMS shall produce all materials responsive to and in full compliance with the

subpoena dated August 29, 2024. ITMS must make the production to counsel for Plaintiff Plus One, LLC, within 7 days of this Order, but in any event by no later than December 1, 2024. The production should be made either electronically to talcottj@ballardspahr.com, or in person at Ballard Spahr LLP, 1909 K Street, NW, 12th Floor, Washington, DC 20006-1157.

2. ITMS shall pay to Plus One, LLC (“Plus One”) the costs and attorney’s fees Plus One has incurred or may yet incur in connection with its attempts to enforce ITMS’s compliance with the subpoena, including those costs and fees Plus One incurred in connection with the present motion. The parties shall confer as to the appropriate amount that ITMS must pay to Plus One. If the parties are unable to reach agreement as to the amount within 10 days of this Order, Plus One may file a supplemental request with the Court detailing the costs and fees it has incurred and to which it seeks ITMS’s compliance.

SO ORDERED THIS ____ day of November, 2024.

By the Court:

/s/ _____

PARTIES TO BE NOTIFIED

The following persons should be notified of the entry of this order:

For Plaintiff Plus One, LLC:

Charles D. Tobin (#455593)
Ballard Spahr LLP
1909 K Street NW, 12th Floor
Washington, DC 20006
Telephone: (202) 661-2200
Facsimile: (202) 661-2299
tobinc@ballardspahr.com

Jonathon A. Talcott
Ballard Spahr LLP
2000 IDS Center
80 South 8th Street
Minneapolis, MN 55402
Email: talcottJ@ballardspahr.com
Phone: 612.371.3211
Attorneys for Plaintiff

For Defendant Capital Relocation Services, L.L.C.:

Barry M. Landy
Patrick "Gus" Cochran
Melissa A. Goodman
Ciresi Conlin, LLP
Email: bml@ciresiconlin.com
Email: pac@ciresiconlin.com
Email: mag@ciresiconlin.com
225 South Sixth Street, Suite 4600
Minneapolis, MN 55402
Phone: (612) 361-8200
Attorneys for Defendant

For nonparty Information Technology Management Services Inc.:

Hoan Le, President
Information Technology Management Services Inc.
12019 English Maple Ln, Fairfax, VA 22030
Copy to: 12351 Firestone Ct, Fairfax, VA 22033
Email: hoan.le@itmsinc.com
Phone: (703) 625-1535